

The Hon. John C. Coughenour

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
GERALD ALLEN COWLES,
Defendant.

No. CR21-022-JCC

[PROPOSED]

ORDER OF FORFEITURE

THIS MATTER comes before the Court on the United States' Motion for Order of Forfeiture ("Motion") seeking to forfeit, to the United States, Defendant Gerald Allen Cowles' interest in a sum of money (also known as a forfeiture money judgment) in the amount of \$3,500, reflecting proceeds Defendant obtained from commission of Bank Fraud, in violation of 18 U.S.C. § 1344.

The Court, having reviewed the United States' Motion, as well as the other papers and pleadings filed in this matter, hereby FINDS an Order of Forfeiture is appropriate because:

- The proceeds of Bank Fraud, in violation of 18 U.S.C. § 1344, are forfeitable pursuant to 18 U.S.C. § 982(a)(2);

- 1 • In his Plea Agreement, Defendant agreed to forfeit this \$3,500 sum of
- 2 money pursuant to 18 U.S.C. § 982(a)(2), as it reflects proceeds he obtained
- 3 from commission of Bank Fraud and to which he entered a guilty plea (Dkt.
- 4 No. 143, ¶ 12);
- 5 • In Defendant's Plea Agreement, the United States agreed it will request the
- 6 Attorney General apply any amounts it collects toward satisfaction of this
- 7 forfeited \$3,500 sum to restitution that is ordered, and that any amount
- 8 Defendant pays toward restitution will be credited against this \$3,500
- 9 forfeited sum (Dkt. No. 143, ¶ 12); and
- 10 • The forfeiture of this \$3,500 sum of money is personal to Defendant;
- 11 pursuant to Federal Rule of Criminal Procedure ("Fed. R. Crim. P.")
- 12 32.2(c)(1), no third-party ancillary process is required before forfeiting it.
- 13

14 NOW, THEREFORE, THE COURT ORDERS:

- 15 1. Pursuant to 18 U.S.C. § 982(a)(2) and his Plea Agreement, Defendant's
- 16 interest in the above-identified \$3,500 sum of money is fully and finally forfeited, in its
- 17 entirety, to the United States;
- 18 2. Pursuant to Fed. R. Crim. P. 32.2(b)(4)(A)–(B), this Order will become
- 19 final as to Defendant at the time he is sentenced; it will be made part of the sentence; and
- 20 it will be included in the judgment;
- 21 3. No right, title, or interest in the identified sum of money exists in any party
- 22 other than the United States;
- 23 4. Pursuant to Fed. R. Crim. P. 32.2(e), in order to satisfy this \$3,500 sum of
- 24 money, in whole or in part, the United States may move to amend this Order, at any time,
- 25 to include substitute property having a value not to exceed \$3,500; and,
- 26
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1 5. The Court will retain jurisdiction in this case for the purpose of enforcing
2 this Order, as necessary.

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4 IT IS SO ORDERED.

5 DATED this 20th day of October 2023.

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10 _____
11 THE HON. JOHN C. COUGHENOUR
12 UNITED STATES DISTRICT JUDGE

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17 Presented by:

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